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AB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/825,403	04/03/2001	Kenneth W. Shrum	10003507-2	1629
22878	7590	01/20/2006	EXAMINER	
AGILENT TECHNOLOGIES, INC. INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT. P.O. BOX 7599 M/S DL429 LOVELAND, CO 80537-0599			PHAM, HUNG Q	
		ART UNIT		PAPER NUMBER
				2168
DATE MAILED: 01/20/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

01172005

DATE MAILED:

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Commissioner for Patents

See Attached

DETAILED ACTION

As set forth in the Office Action 06/17/2004, an issue of public use or on sale activity under 37 CFR 1.105 has been raised, and examiner requested the submission of "Hewlett-Packard Firehunter Concepts Guide", printed in April 1999 having part no. 5969-2201.

Applicants submitted the requested "Hewlett-Packard Firehunter Concepts Guide" on 10/20/2004, which was used as a primary reference for the rejection under 35 U.S.C. § 102 and 103 in the Final Office Action 03/10/2005.

In response to the Final Office Action 03/10/2005, a Request for Continued Examination was filed on 11/09/2005, and in the PRELIMINARY RESPONSE, applicants asserted that they relied "Hewlett-Packard Firehunter Concepts Guide" was published (2002) after the provisional application filing date of the application (04/28/2000), and accordingly, the "Hewlett-Packard Firehunter Concepts Guide" is not a proper reference.

Requirement For Information - 37 C.F.R. § 1.105

Applicant and Assignee of this application are required under 37 CFR 1.105 to provide the following that the Examiner has determined is reasonably necessary to the examination of this application.

As indicated in the specification on page 2, paragraph 0017, Firehunter[®] products could be used at a user site to enable a user to measure and monitor an e-

commerce solution's performance. An issue of public use or on sale activity has been raised in this application. In order for the examiner to properly consider patentability of the claimed invention under 35 U.S.C. 102(b), information regarding this issue under 37 C.F.R. § 1.105 is required. In response to this requirement, please provide:

(1) "Hewlett-Packard Firehunter Concepts Guide", printed in April 1999, and having part no. 5969-2201.

This requirement is subject to the provisions of 37 C.F.R. § 1.134, 1.135, and 1.136 and has a shortened statutory period of 2 months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. § 1.136(a).

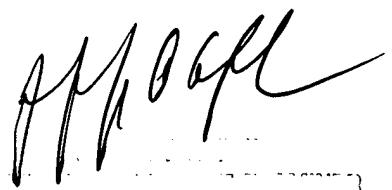
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JEFFREY A. GAFFIN can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


HUNG Q PHAM
Examiner
Art Unit 2168


JEFFREY A. GAFFIN
Supervisor
Art Unit 2168

January 17, 2006